

CORRECTED

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-799V

UNPUBLISHED

SAVANNA BARTON and MICHAEL BARTON, parents of A.B., a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 17, 2022

Special Processing Unit (SPU); Ruling on Entitlement; Concession; Table Injury; Rotavirus Vaccine; Intussusception

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Mitchell Jones, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On January 25, 2021, Savanna Barton and Michael Barton, parents of son A.B., a minor, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.² (the “Vaccine Act”). Petitioners allege that A.B. suffered intussusception as a result of receiving the rotavirus vaccination on March 14, 2018. Petition at 1. Petitioners further allege the vaccination was administered within the United States, their son underwent inpatient surgery for his intussusception, and no lawsuits have been filed or settlements or awards accepted by anyone, including the petitioners, due to A.B.’s vaccine-related injury. Petition at 1, 15. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On February 2, 2022, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent determined that Petitioners have satisfied the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation. *Id.* at 5. Respondent further agrees that the scope of damages to be awarded is limited to A.B.'s intussusception and its related sequelae only. *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master